

**MINUTES - U.S. DISTRICT COURT
DISTRICT OF SOUTH DAKOTA - NORTHERN DIVISION**

JUDGE: William D. Gerdes
CASE NO: CR 11-10001

Tape No. FTR
Date: January 18, 2011

Case:
UNITED STATES OF AMERICA,
Plaintiff,

Attorneys:
Connie Larson by video

-vs-
TIMOTHY M. ENGELS,
Defendant.

David Strait

COUNTS: Conspiracy to Defraud the United States(Klein Conspiracy) Tax Evasion; Filing False Tax Returns; Structuring Currency Transactions

MAXIMUM POSSIBLE PENALTY: Count 1 5 years custody; \$250,000 fine, or both; 3 years supervised release; violation of condition of release could result in 2 years additional incarceration on any such revocation; \$100 assessment; restitution Counts 2,3 & 4 5 years custody; \$100,000 fine, or both 3 years supervised release; violation of condition of release could result in 3 years additional incarceration; cost of prosecution & \$100 assessment, Counts 5, 7, 9, 11, 13 & 15 3 years custody; \$100,000 fine or both 1 year supervised release; violation of condition could result in additional 1 year custody, \$100 assessment & cost of prosecution; Counts 17, 18, 19, 20 & 21 5 years custody; \$250,000 fine or both 3 years supervised release; 2 years additional custody if violation of condition of release \$100 assessment; restitution

Defendant's Age: 50

Level of Education: 11th grade / GED

Hearing Set @ 10:30

Hearing Begun @ 10:30

☒ **INITIAL APPEARANCE on (10 mins.)**

() Complaint (☒) Indictment () Information () Superseding Indictment
() Petition to Revoke Supervised Release #__ () Petition to Revoke Probation #__

(☒) Defendant received a copy of the charging documents and understands the allegations and maximum possible penalties
(☒) Defendant advised of right to remain silent and to counsel
(☒) Defendant advised of right to () Preliminary Hearing (☒) Detention Hearing
(☒) Defendant () waives (☒) requests Detention Hearing, () waives () requests Preliminary Hearing
() Court finds waiver(s) are knowingly and voluntarily made
() Defendant requests continuance of Detention Hearing and the Court () grants () denies request
() Defendant temporarily detained pending _____

() **ATTORNEY APPOINTMENT HEARING (____ mins.)**

() Defendant sworn for CJA purposes
() Court finds Defendant qualifies for appointment of counsel under CJA.
() Federal Public Defender's Office appointed effective _____
() _____ appointed effective _____
() Defendant to pay \$ _____ a month beginning _____ toward attorney fees
() Court reserves ruling on Defendant's payment of part of attorney fees

() **ARRAIGNMENT** (12 mins.)() **CHANGE OF PLEA HEARING** (____ mins.)

- (☒) Defendant advised of and/or understands the charges and maximum possible penalties
- (☒) Defendant advised of constitutional and statutory rights
- (☒) Defendant waives reading of Indictment/Information
- (☒) Defendant enters plea of () guilty (☒) not guilty to the charge(s) contained in the Indictment/Information and requests a (☒) jury trial () court trial.
- (☒) Court inquires whether Defendant desires copies of juror questionnaires. Defendant moves the Court to be provided juror questionnaires and the Court grants it conditionally. The Clerk's Office is authorized to provide the questionnaires to counsel for both the Government and the Defendant if the case proceeds to trial

() **BOND REVOCATION HEARING** (____ mins.)

- () Defendant received a copy of the Report of Apparent Bond Violation and/or the Motion for Arrest Warrant and understands the allegations and maximum possible sanctions
- () Defendant advised of right to remain silent and to counsel
- () Defendant admits to allegations contained in the Report of Apparent Bond Violation in violation of paragraphs ____ of the Order Setting Conditions of Release, Docket No. ____
- () Defendant denies allegations contained in the Report of Apparent Bond Violation and requests a revocation hearing
- () Court finds Defendant's admissions were knowingly and voluntarily made, that a factual basis exists for the same and accepts the admissions
- () Court finds probable cause exists to believe Defendant has violated one or more conditions of release
- () Court orders Defendant's pretrial release be revoked and that Defendant will be detained pending ____
- () Court orders Defendant's pretrial release be revoked and that Defendant shall be detained until ____ after which he may be released under the same terms and conditions of the Order Setting Conditions of Release, Docket No. ____
- () Defendant temporarily detained pending ____

(☒) **DETENTION HEARING** (10 mins.)

- () Defendant waives Detention Hearing and consents to remain detained without prejudice to his right to seek reconsideration
- () Defendant waives Detention Hearing in light of the Writ of Habeas Corpus Ad Prosequendum, Docket No. ____ issued by the District Court
- () Court finds waiver is knowingly and voluntarily made
- (☒) Defendant released on PR Bond (☒) with conditions () without conditions
- () Defendant released on a third party custodial bond to ____ with conditions.
- () Defendant detained in the custody of the U.S. Marshal's Service pending ____

() **OTHER:**Hearing Ended @ 11:02Reported in Court Time: 32 mins.

Linda J. Salhan
Courtroom Deputy